

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

CREDIT SUISSE AG, as successor-in-interest to  
Clariden Leu AG and Bank Leu AG;

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01676 (CGM)

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS**

Defendant Credit Suisse AG, as successor-in-interest to Clariden Leu AG and Bank Leu AG (“Defendant”) filed a motion to dismiss the Amended Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) (the “Motion”) on June 29, 2022 (ECF No. 87). The parties stipulated to rest on their papers and waive oral argument on the Motion on November 14, 2022 (ECF No. 97). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Amended Complaint. The Court entered a memorandum decision, dated November 21, 2022, regarding the Motion (the “Decision”) (ECF

No. 101). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Amended Complaint is denied.
2. The deadline for Defendant to file an answer to the Amended Complaint is January 20, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: December 1, 2022**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**